

## **REMARKS**

### **I. Introduction**

Claims 23 to 44 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the present application is in condition for immediate allowance, and reconsideration is respectfully requested.

Applicants express appreciation for the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

### **II. Rejection of Claims 23 to 44 Under 35 U.S.C. § 102(b)**

Claims 23 to 44 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,893,351 ("Akutagawa et al."). It is respectfully submitted that Akutagawa et al. does not anticipate these claims for at least the following reasons.

Claim 23 relates to a support element for mutually supporting a fuel injector in a valve receptacle of a cylinder head of an internal combustion engine, as well as mutually supporting the fuel injector against a fuel distribution line, including: a clamp body; at least two clips extending from the clamp body and configured to interact with one of the fuel injector and the fuel distribution line; and at least two brackets extending axially from the clamp body and configured to interact with one of the fuel injector and the fuel distribution line.

Although Applicants may not agree with the merits of the rejection, to facilitate matters, claim 23 has been amended to recite that **the brackets are axially deformable at least one of elastically and plastically under an axial load applied by one of the fuel injector and the fuel distribution line**. Support for this amendment may be found, for example, on page 4, lines 18 to 20 and 23 to 25 of the Specification.

Akutagawa et al. does not disclose, or even suggest, the above-mentioned feature. Akutagawa et al. describes a clip (50), which engages with a fuel injector (20), a fuel supply port (14) of a fuel delivery pipe (10), and a wire harness (31), thereby limiting the relative movement of these elements. As is apparent from Figs. 2 and 3, clip (50) engages with the wire harness (31) via arcuate cuts (51a), thereby holding a sealing member (33) attached to the wire harness (31) in place and preventing the wire harness (31) from slipping out of a receiving connector (23)

of the fuel injector (20). The clip (50) also engages with the receiving connector (23) of the fuel injector (20) at annular groove (23a) via pawls (52a). In addition, the clip (50) engages with the body (21) of the fuel injector (20) at groove (21a) via pawls (53a). Furthermore, as is apparent from Figs. 4 and 5B, the fuel supply port (14) of the fuel delivery pipe (10) engages with arms (53) of the clip (50) at window portions (53b) via protruding portions (14a). However, Akutagawa et al. nowhere mentions that the window portions (53a), which the Office Action considers to constitute brackets, are axially deformable elastically and/or plastically under an axial load applied by the fuel injector (20) or the fuel delivery pipe (10). Although Akutagawa et al. indicates, in column 5, lines 19 to 23, that arms (53) may be deflected horizontally to disengage the clip (50) and the fuel delivery pipe (10), as is clear from Fig. 3, the length of the web, i.e., the vertical dimension, of arms (53) prevents the arms (53) from being deflected elastically or plastically in an axial direction. Accordingly, it is respectfully submitted that Akutagawa et al. does not anticipate claim 23 for at least these reasons.

As for claims 24 to 44, which ultimately depend from claim 23 and therefore include all of the features of claim 23, it is respectfully submitted that Akutagawa et al. does not anticipate these dependent claims for at least the reasons set forth above.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

### **III. Rejection of Claims 23 to 44 Under 35 U.S.C. § 102(e)**

Claims 23 to 44 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,830,037. It is respectfully submitted that U.S. Patent No. 6,830,037 does not anticipate these claims for at least the following reasons.

The **December 17, 2003** filing date of the priority application of the present application, i.e., German Application No. 103 59 299.7, is **before** the **January 27, 2004** filing date of U.S. Patent No. 6,830,037. A certified English-language translation of German Application No. 103 59 299.7 is submitted herewith. Accordingly, U.S. Patent No. 6,830,037 does not constitute prior art against the present application.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

#### IV. Double Patenting Rejection

Regarding the double-patenting rejection, although the rejection may not be agreed with, Applicants are prepared to file a terminal disclaimer upon withdrawal of all other rejections and an indication that the present application is otherwise in condition for allowance.

#### V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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